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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/618,207

07/11/2003

Lawrence J. Torango

4196

7590

07/13/2004

LAWRENCE J. TORANGO
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EXAMINER

NGUYEN, KIM T

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/618,207	Applicant(s) TORANGO, LAWRENCE J.	
	Examiner Kim Nguyen	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 1-2, 4, 6, and 14 are objected to because of the following informalities:
 - a) In claim 1, line 11; and claim 4, line 5, the claimed limitation “a total wager amount” should be corrected to “the total wager amount”.
 - b) In claim 2, line 2, the claimed limitation “prize award event” should be corrected to “prize event”.
 - c) In claim 6, lines 2 and 3, the claimed limitation “a wager” should be corrected to “the wager”.
 - d) In claim 14, limitation (D), the claimed limitation “wagering amount” should be corrected to “total wager amount”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a) In claim 1, line 1 of limitation (F), and line 2 of limitation (H), the claimed limitation “said prizes” is ambiguous. It is not clear if the “prizes” implies the “one or more prizes” in claim 1, line 5, or the “prize” in claim 1, line 8.
- b) In claim 1, line 1 of limitation (G), the claimed limitation “devices linked to a prize” lacks of antecedent basis.
- c) In claim 3, line 6, the claimed limitation “and/or” is ambiguous. It is not clear if the expression “and/or” should be read as “and” or “or”.
- d) In claim 4, line 2 of limitations (B) and (C); and claim 6, line 3, the claimed limitation “a prize” lacks of antecedent basis.
- e) Claims 2 and 5 are rejected as being dependent on the rejected base claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pease et al (US Patent No. 5,766,076) in view of Baerlocher et al (US Patent No. 5,788,573).
- a. As per claim 1, Pease discloses a progressive gaming system comprising a central system 106 (Fig. 1) to control the progressive gaming system; a prize including a total wager amount and a minimum prize value to be awarded to participants (col. 5, lines 16-24; and col. 4, lines 66-

67); a device for accepting a wager (col. 3, lines 16-20; col. 4, lines 40-49 and 66-67); the central system links the device to the prize based on the total wager amount of each entity and enables the device to participate for winning the prize (col. 4, lines 40-43 and 66-67; and col. 5, lines 1-24); the central system acquires transactions resulting from participation for the prize and to control prize events (col. 7, lines 3-52). Pease does not explicitly disclose that the device includes a payline and that the odds is adapted to the determination of the total wager amount. However, Pease discloses that the device can be used for a plurality of game of chance such as slot machine, poker machine, etc. (col. 3, lines 20-22). Further, Baerlocher discloses a slot machine including paylines and the odd is adapted to the determination of the total wager amount (Fig. 2; col. 4, lines 14-18 and 46-49). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the reel slot machine of Baerlocher to the gaming system of Pease in order to allow the player to play a reel fortune game.

b. As per claim 2, Pease discloses summing all the wagers to make a prize event (col. 4, lines 66-67; and col. 5, line 1).

c. As per claim 3-4, refer to discussion in claim 1 above. Further, Pease discloses accepting wagers (col. 3, lines 64-67). Moreover, enabling bonus play and executing game programs via the internet would have been well known to a person of ordinary skill in the art at the time the invention was made.

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d. As per claim 5-6, Pease discloses multiplying the wager with the odd of winning (col. 5, lines 4-9). Further, multiplying an exchange rate with a currency to convert foreign currency to a specific type of currency would have been well known.

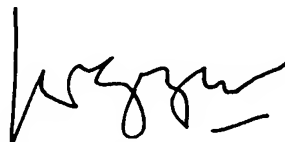
e. As per claim 7, refer to discussion in claim 1 above. Further, Pease discloses linking the prize to the device if the prize's total wager amount is equal to the device's total wager (col. 7, lines 3-52).

f. As per claim 8-16, refer to discussion in claims 2 and 5-7 above.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.



Kim Nguyen
Primary Examiner
Art Unit 3713

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Date: July 9, 2004